

SENATE BILL NO. 241

INTRODUCED BY BALLYEAT, ANKNEY, BALES, DE. BARRETT, BLACK, BRENDEN, R. BROWN,
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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE TAXPAYER RIGHT TO KNOW ACT; REQUIRING
THE ESTABLISHMENT OF A WEBSITE FROM WHICH THE GENERAL PUBLIC CAN SEARCH, RETRIEVE,
AND DOWNLOAD INFORMATION ABOUT THE STATE BUDGET, INCLUDING REVENUE, APPROPRIATIONS,
AND EXPENDITURES BY EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCH AGENCIES; CREATING AN
ADVISORY COUNCIL; PROVIDING FOR A DESIGN AND COST PROPOSAL AND A BUSINESS CASE
ANALYSIS BY THE LEGISLATIVE FISCAL DIVISION; PROVIDING A FUNDING RESTRICTION; AMENDING
SECTION 2-17-521, MCA; AND PROVIDING AN EFFECTIVE DATE DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] may be cited as the "Taxpayer Right to
Know Act".

NEW SECTION. **Section 2. Legislative intent.** The legislature finds that state taxpayers have a right
to know how the state raises and spends tax dollars and what performance results are achieved from those
expenditures. Therefore, it is the intent of the legislature to direct the ~~department~~ DIVISION to create and maintain
a user-friendly searchable budget database website as provided for in [sections 1 through 5] that will provide
detailed information on revenue, appropriations, and expenditures of state taxpayer money.

1
2 **NEW SECTION. Section 3. Definitions.** As used in [sections 1 through 5], the following definitions
3 apply:

4 (1) "Advisory council" means the taxpayer website advisory council created in [section 5].

5 (2) "Agency" means an executive, legislative, or judicial branch department, office, board, commission,
6 bureau, division, or institution of higher education, including agencies and programs that cross agency lines, that
7 is recognized in the state budget.

8 ~~—— (3) "Department" means the department of administration created in 2-15-1001.~~

9 ~~—— (4) "Director" means the director of the department of administration appointed pursuant to 2-15-1001.~~

10 (3) "DIVISION" MEANS THE LEGISLATIVE FISCAL DIVISION ESTABLISHED IN 5-12-301.

11 ~~(5)~~(4) "Entity" means an individual, a corporation, an association, a union, a limited liability company,
12 limited liability partnership, grantee, contractor, or other legal business entity, a nonprofit organization, or a
13 county, city, town, consolidated local government, or other local government entity.

14 ~~(6)~~(5) "Funds" means any money appropriated by the legislature.

15 ~~(7)~~(6) "Searchable budget database website" means a user-friendly website with a unique and simplified
16 web address that allows the public, subject to Article II, section 10, of the Montana constitution, to easily and at
17 no cost search, aggregate, and download, in an open industry standard exchange format, the following revenue,
18 budget, appropriation, and expenditure information and that includes hyperlinks to actual documents whenever
19 possible:

20 (a) revenue information, including all REVENUE sources, amounts raised, and accounts in which the
21 revenue is deposited;

22 (b) appropriation information, including the amounts appropriated to each agency and the FUNDS OR
23 accounts from which the appropriations are made;

24 (c) agency budget information, including personal services and operating budgets for each program
25 administered by each agency;

26 (d) agency personal services and operating expenditure information, including:

27 (i) the amount of each expenditure, ~~including the compensation and benefits paid to each temporary,~~
28 ~~seasonal, part-time, full-time, probationary, permanent, or contract employee~~ AT THE PROGRAM LEVEL AS RECORDED
29 ON THE STATE ACCOUNTING, BUDGETING, AND HUMAN RESOURCE SYSTEM;

30 (ii) SUBJECT TO [SECTION 4(2)], the name and principal address, except the private residence of an agency

- 1 employee, of an entity receiving an expenditure of agency funds;
- 2 (iii) the program title under which the funds were expended;
- 3 (iv) a descriptive purpose for the expenditure;
- 4 (v) the expected performance outcome for each operational expenditure of each agency AT THE PROGRAM
- 5 LEVEL;
- 6 (vi) if available, any past performance outcomes achieved as a result of previous operational expenditures
- 7 made to the same entity for the same purpose AT THE PROGRAM LEVEL;
- 8 (e) any legislative financial or performance audit relating to the entity receiving the funds or to the agency
- 9 making the expenditure;
- 10 (f) any other information relevant to the purposes of [sections 1 through 5] that the ~~director~~ LEGISLATIVE
- 11 FISCAL ANALYST or advisory council considers appropriate; and
- 12 (g) historical information that includes the information required under this subsection ~~(7)~~ (6) for each
- 13 fiscal year following the website's initial implementation.
- 14

15 **NEW SECTION. Section 4. Searchable budget database website -- compliance requirement.** (1)

16 THE LEGISLATIVE FISCAL ANALYST, BASED ON GUIDANCE FROM THE ADVISORY COUNCIL, IS RESPONSIBLE FOR

17 ESTABLISHING AND MAINTAINING A SEARCHABLE BUDGET DATABASE WEBSITE IN ACCORDANCE WITH THE PROVISIONS OF

18 [SECTIONS 1 THROUGH 5]. ~~By January 2011, the department~~ THE DIVISION shall develop AND ESTABLISH, in

19 consultation with the advisory council, ~~a~~ AN INITIAL BASIC searchable budget database website, which must be

20 available to the public. FOR THE UNIVERSITY SYSTEM, INFORMATION MAY BE PROVIDED AS SUMMARY DATA. FOR EACH

21 FISCAL YEAR, THE DATABASE MUST BE OPERATIONAL 30 DAYS FOLLOWING THE FINAL CLOSING OF THE PRIOR FISCAL YEAR.

22 (2) The ~~director~~ LEGISLATIVE FISCAL ANALYST shall ensure that information protected under Article II,

23 section 10, of the Montana constitution concerning the right to privacy cannot be accessed at or through the

24 website.

25 (3) The ~~director~~ LEGISLATIVE FISCAL ANALYST shall also ensure that the database is operational for each

26 new fiscal year by no later than 30 days following the end of the previous fiscal year and that the database is

27 updated quarterly with any new data that becomes available during the fiscal year.

28 (4) Each agency shall COOPERATE WITH THE DIVISION AND ADVISORY COUNCIL AND provide to the ~~department~~

29 DIVISION all expenditure information required to update the database quarterly.

30 (5) The ~~department~~ DIVISION shall provide guidance to each agency head to ensure compliance with this

1 section, INCLUDING RECOMMENDATIONS ON HOW AN AGENCY'S EXISTING INFORMATION TECHNOLOGY CAPABILITIES AND
2 FUTURE INFORMATION TECHNOLOGY PROJECT DEVELOPMENT MAY BE INTEGRATED WITH OR OTHERWISE SUPPORT THE
3 SEARCHABLE BUDGET DATABASE WEBSITE.

4 (6) The ~~department~~ DIVISION may not be considered to be in compliance with [sections 1 through 5] if the
5 information required for the searchable budget database website is not publicly available at no cost in a
6 searchable aggregate manner or if the public is redirected to another government website unless the website is
7 a complete searchable budget database website.

8
9 NEW SECTION. Section 5. Taxpayer website advisory council. ~~The director shall appoint a (1)~~
10 THERE IS A SEVEN-MEMBER taxpayer website advisory council to provide guidance and feedback TO THE
11 LEGISLATIVE FISCAL ANALYST AND THE DIVISION on the design, content, and ongoing maintenance of the searchable
12 budget database website.

13 (2) MEMBERS OF THE ADVISORY COUNCIL MUST BE AS FOLLOWS:

14 (A) THE SENATE COMMITTEE ON COMMITTEES SHALL APPOINT ONE SENATOR AND ONE PERSON REPRESENTING
15 ADVOCATES FOR TRANSPARENCY IN GOVERNMENT;

16 (B) THE SPEAKER OF THE HOUSE SHALL APPOINT ONE REPRESENTATIVE AND ONE PERSON REPRESENTING
17 ADVOCATES FOR TRANSPARENCY IN GOVERNMENT;

18 (C) THE LEGISLATIVE FINANCE COMMITTEE SHALL APPOINT A PERSON TO REPRESENT THE DIVISION;

19 (D) THE GOVERNOR SHALL APPOINT A PERSON FROM THE GOVERNOR'S BUDGET OFFICE; AND

20 (E) THE CHIEF INFORMATION OFFICER APPOINTED BY THE DEPARTMENT OF ADMINISTRATION PURSUANT TO TITLE
21 2, CHAPTER 17, PART 5, IS AN EX-OFFICIO VOTING MEMBER.

22 (3) The advisory council shall operate and must be appointed in accordance with the provisions of
23 2-15-122, except that members shall serve on a voluntary basis and without reimbursement for expenses.

24
25 NEW SECTION. SECTION 6. DESIGN AND COST PROPOSAL -- BUSINESS CASE ANALYSIS -- RECOMMENDATION.
26 THE LEGISLATIVE FISCAL DIVISION, IN COOPERATION WITH THE LEGISLATIVE SERVICES DIVISION, SHALL PREPARE A DESIGN
27 OR COST PROPOSAL AND BUSINESS CASE ANALYSIS NEEDED TO IMPLEMENT [SECTIONS 1 THROUGH 5]. THE PROPOSAL
28 MUST BE SUBMITTED TO THE LEGISLATIVE FINANCE COMMITTEE AND THE LEGISLATIVE COUNCIL FOR POLICY OR BUDGET
29 RECOMMENDATIONS FOR THE 2011 LEGISLATURE.

1 NEW SECTION. SECTION 7. FUNDING RESTRICTION. FUNDING FOR THE PURPOSES OF [SECTIONS 1 THROUGH
2 5] MAY NOT EXCEED A TOTAL AMOUNT EQUAL TO \$275,000 IN EACH FISCAL YEAR, BUT THE TOTAL MAY BE PROVIDED AS
3 A BIENNIAL APPROPRIATION.

4
5 SECTION 8. SECTION 2-17-521, MCA, IS AMENDED TO READ:

6 **"2-17-521. State strategic information technology plan -- biennial report.** (1) The department shall
7 prepare a state strategic information technology plan. The department shall seek the advice of the board in the
8 development of the plan.

9 (2) The plan must:

10 (a) reflect the policies as set forth in 2-17-505 and be in accordance with statewide standards and
11 policies established by the department;

12 (b) establish the statewide mission, goals, and objectives for the use of information technology, including
13 goals for electronic access to government records, information, and services; ~~and~~

14 (c) establish the strategic direction for how state agencies will develop and use information technology
15 resources to provide state government services; and

16 (d) consider how agency information technology resources and project development may support the
17 goals of [sections 1 through 5].

18 (3) The department shall update the plan as necessary. The plan and any updates must be distributed
19 as provided in 2-17-522.

20 (4) The department shall prepare a biennial report on information technology based on agency
21 information technology plans and performance reports required under 2-17-524 and other information considered
22 appropriate by the department. The biennial report must include:

23 (a) an analysis of the state's information technology infrastructure, including its value, condition, and
24 capacity;

25 (b) an evaluation of performance relating to information technology;

26 (c) an assessment of progress made toward implementing the state strategic information technology
27 plan;

28 (d) an inventory of state information services, equipment, and proprietary software;

29 (e) agency budget requests for major projects; and

30 (f) other information as determined by the department or requested by the governor or the legislature."

NEW SECTION. Section 9. Codification instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 47 5, chapter 4 12, and the provisions of Title 47 5, chapter 4 12, apply to [sections 1 through 5].

NEW SECTION. SECTION 10. CONTINGENT VOIDNESS. IF AN APPROPRIATION FOR THE PURPOSES OF
[SECTIONS 1 THROUGH 6] IS NOT INCLUDED IN HOUSE BILL NO. 2 OR HOUSE BILL NO. 645, [THIS ACT] IS VOID.

NEW SECTION. Section 11. Effective date DATES. ~~[This act]~~ (1) EXCEPT AS PROVIDED IN SUBSECTION (2), ~~[THIS ACT]~~ is effective July 1, 2009.

(2) [SECTIONS 1 THROUGH 4 AND 8] ARE EFFECTIVE JULY 1, 2011.

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